

VZCZCXRO8005
PP RUEHCN RUEHGH
DE RUEHIN #0520 0660902
ZNR UUUUU ZZH
P 070902Z MAR 07
FM AIT TAIPEI
TO RUEHC/SECSTATE WASHDC PRIORITY 4349
INFO RUEHBJ/AMEMBASSY BEIJING 6431
RUEHGH/AMCONSUL SHANGHAI 0864
RUEHCN/AMCONSUL CHENGDU 1725
RUEHSH/AMCONSUL SHENYANG 5693
RUEHGZ/AMCONSUL GUANGZHOU 0043
RUEHHK/AMCONSUL HONG KONG 7682

UNCLAS TAIPEI 000520

SIPDIS

SIPDIS

DEPT FOR AIT/W, EAP/TC, INR/EAP

FROM AIT KAOHSIUNG BRANCH OFFICE

E.O. 12958: N/A

TAGS: [PGOV](#) [TW](#)

SUBJECT: Kaohsiung Mayoral Election Ballot Recount to Begin March 12

REF: A) 2007 Taipei 0273 B) 2006 Taipei 4125

SENSITIVE BUT UNCLASSIFIED. PLEASE PROTECT ACCORDINGLY.

¶1. (SBU) Summary: In response to the lawsuit filed by defeated Kuomintang (KMT) mayoral candidate Huang Chun-ying (ref A) on December 28, the Kaohsiung District Court ruled on January 29 that all ballots from the 2006 Kaohsiung mayoral election will be recounted and checked during the period March 12-19, with any questioned ballots to be examined and verified by a panel of judges after March 19. Subsequently, on February 5, the Court rejected Mayor Chen Chu's appeal for an immediate dismissal of the case. Huang now is prepared to accept any court decision on the results of the completed recount process. Mayor Chen Chu's camp, however, has made clear its ongoing opposition to the recount and verification process. End Summary.

¶2. (SBU) With regard to the ongoing lawsuit to nullify the Kaohsiung mayoral election, an assistant of Huang Chun-ying told AIT/K that Huang will accept any court rulings on the case if the court completes its investigation procedures by carrying out a full recount and a verification of questioned ballots. Although Chen Chu's lawyers have not filed any more motions for dismissal, Huang is now concerned that Mayor Chen Chu's lawyers may be planning a new appeal to the court based on more technical legal grounds to postpone or even stop the recount process. The assistant said Huang would definitely not accept a court ruling to stop the recount.

¶3. (U) In order to solicit all possible evidence of alleged vote rigging, Huang issued a press release on March 1 urging Kaohsiung residents to report any irregularities they witnessed at their voting stations on election day. Huang says he wants to help identify further proof of irregularities to assist the court in the process of ballot recount and verification. Furthermore, he offered a reward totaling NTD five million (USD 151,515) to encourage people to come forward. Any person providing evidence that proves factual and useful to the court will become eligible for part of the reward. Mayor Chen's spokesperson warned people not to be taken in by Huang's reward offer, adding that people providing forged evidence would run the risk of prosecution.

¶4. (SBU) Mayor Chen Chu's lawyers failed in their original February 5 appeal to the Kaohsiung court that requested Huang's nullification lawsuit be thrown out immediately. Mayor Chen's assistant told AIT/K that, while disappointed by this early February ruling, they do not expect the recount to change the election result. They are concerned, however, that the lawyers they have hired lack experience in election lawsuits while Huang's lawyers worked for the KMT on the 2004 presidential election recount lawsuit. This assistant also

indicated that Mayor Chen is concerned the lawsuit could become part of a political agenda in the Kaohsiung City Council for KMT City Council members who wish to cause problems for Mayor Chen's administration.

¶15. (U) In response to a separate lawsuit accusing Huang's camp of vote-buying that Mayor Chen Chu filed against Huang Chun-ying on election day, December 9, 2006 (ref B), the prosecutors' office on February 3, 2007, charged two suspects with vote-buying. However, the prosecutors' office dropped the counter-charges of libel filed by Huang against Chen Chu, saying there was no "actual malice" in Chen's original accusation of vote-buying.

Comment

¶16. (SBU) Most Kaohsiung residents do not expect Huang's lawsuit to change the election result. Nevertheless, the recount and ballot verification process could provide a means to resolve the doubts that some Kaohsiung residents have in regard to the legitimacy of Kaohsiung's current DPP administration. What remains to be seen is whether Chen Chu would accept a judicial decision, based upon the recount, if it declares Huang the winner of last December's election and what it would mean for "rule of law" if she did not.

THIELE

YOUNG